

CHAPTER 9. JUDICIAL ARBITRATION

9.1 Scope, Purpose and Authority

These rules apply to all civil actions, except those exempt from arbitration as specified in California Rules of Court, rule 1600.5. They establish a program of mandatory arbitration for Mendocino County, and are intended to produce efficiency and economy in the resolution of civil actions. Pursuant to Code of Civil Procedure section 1141.11(b), the court finds that their adoption is in the best interests of justice.

Eff. Jan. 1, 1999.

9.2 Mandatory Arbitration

All at-issue civil actions in which no claim exceeds \$50,000 shall be submitted to arbitration.

Eff. Jan. 1, 1999.

9.3 Administration

The court's executive officer shall be the arbitration administrator. The presiding judge, or a judge designated by the presiding judge, shall perform the functions and have the powers of an administrative committee as specified in the California Rules of Court, rule 1603.

Eff. Jan. 1, 1999.

9.4 Arbitration Panel

An arbitration panel shall be established in the manner provided by California Rules of Court , rules 1603 and 1604. A roster of the members of the panel shall be available in the office of the arbitration administrator to encourage counsel to designate the arbitrator by stipulation pursuant to California Rules of Court, rule 1605(a). Arbitrators shall be compensated at the rate of \$150 per case, or \$150 per day, whichever is greater. (CCP § 1141.18).

Eff. Jan. 1, 1999.

9.5 Arbitration Conference

- a. When a case has been placed on the civil active list, unless the pleadings disclose that the only relief sought by every party is equitable in nature, the arbitration administrator shall calendar the case for a conference to determine the amount in controversy and consider submission of the case to arbitration.
- b. No later than 10 days before the conference, each party shall file with the clerk and serve on each other party an arbitration conference statement which shall set forth: (i) the nature of the case; (ii) the amount in controversy; (iii) whether any prayer for equitable relief is insubstantial or frivolous; and (iv) whether arbitration is not likely to reduce the probable time or expense necessary to resolve the litigation.

Eff. Jan. 1, 1999.

9.6 Arbitration Hearing List

The arbitration administrator shall maintain an arbitration hearing list. The following matters shall be placed on the list: (i) actions submitted to arbitration by order of court or by stipulation of the parties; and (ii) actions where the plaintiff has requested arbitration pursuant to CCP § 1141.2(b)(ii) and California Rules of Court, rule 1601(b).

Eff. Jan. 1, 1999.

9.7 Selection of Arbitrators

Unless designated by stipulation of the parties, arbitrators shall be appointed in the manner provided by California Rules of Court, rule 1605. An arbitrator shall be appointed or designated no later than 30 days after submission of the case to arbitration.

Eff. Jan. 1, 1999.

9.8 Arbitration Hearings

- a. Arbitration hearings shall be set and conducted in the manner provided by California Rules of Court, rules 1605, 1613, and 1614.
- b. No less than 5 days before the date fixed for commencement of the hearing, counsel for each party shall deliver:

1. To the arbitrator: copies of the party's pleadings, including complaint, cross-complaint, answer, and any amended pleadings;
2. To the arbitrator and counsel for each other party: an arbitration brief containing the following: (a) a concise statement of the facts; (b) a statement of the legal and factual contentions of the parties; and (c) a statement of damages or other relief sought by the party, including a detailed statement of the amount and elements of any claimed financial harm or loss which is the basis for the claim.

- c. The original court file shall remain in the possession of the court's executive officer.

Eff. Jan. 1, 1999. As amended, eff. Jan. 1, 2003.

9.9 Awards, Dismissals and Requests for Trial

All awards by arbitrators, all dismissals of cases on the arbitration hearing list prior to the arbitrator's award, and all requests for a trial pursuant to California Rules of Court, rule 1616(a), shall be filed with the clerk of the court and shall include proof of service of a copy thereof upon all parties and the arbitration administrator.

Eff. Jan. 1, 1999.

9.10 Settlement

If a case is settled before the arbitration hearing, plaintiff shall promptly notify the arbitrator and the court thereof. Failure to do so may result in the imposition of costs or sanctions, including but not limited to, payment of the amount of the arbitrator's fee.

Eff. Jan. 1, 1999.

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